

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

**NOTICE OF AGENDA FOR MATTERS SCHEDULED
FOR HEARING ON MAY 31, 2017 AT 10:00 A.M.**

CONTESTED MATTERS

1. **11-02760; Picard v. ABN Amro Bank N.V. (presently known as The Royal Bank of Scotland, N.V.)**
 - A. Notice of Trustee's Request for Certification of Judgment for Direct Appeal to the United States Court of Appeals for the Second Circuit Pursuant to 28 U.S.C. 158(d) 2 and Fed.R. Bank. P. 8006(f) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 3/14/2017) [ECF No. 77]

- B. Memorandum of Law in Support of Trustee's Request for Certification of Judgment for Direct Appeal to the United States Court of Appeals for the Second Circuit Pursuant to 28 U.S.C. 158(d) 2 and Fed.R. Bank. P. 8006(f) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 3/14/2017) [ECF No. 78]
- C. Objection Memorandum of Law in Opposition to Trustee's Request for Certification of Judgment for Direct Appeal to the United States Court of Appeals for the Second Circuit Pursuant to 28 U.S.C. 158(d)(2) and Federal Rule of Bankruptcy Procedure 8006(f) filed by Michael S. Feldberg on behalf of ABN AMRO BANK N.V. (presently known as THE ROYAL BANK OF SCOTLAND, N.V.) (Filed: 3/28/2017) [ECF No. 83]
- D. Written Opinion Signed On 5/4/2017. Re: Memorandum Decision Denying Request To Certify Judgment For Direct Appeal To The United States Court Of Appeals For The Second Circuit (Filed: 5/4/2017) [ECF No. 88]
- E. Trustee's Letter Regarding Proposed Order Settling Certification Decision Filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (Filed: 5/16/2017) [ECF No. 89]
- F. Letter RBS/ABNs Letter Regarding Proposed Order Settling Certification Decision Filed by Michael S. Feldberg on behalf of ABN AMRO BANK N.V. (presently known as THE ROYAL BANK OF SCOTLAND, N.V.). (Filed: 5/18/2017) [ECF No. 91]

Status: Conference regarding Status Memorandum Decision Denying Certification

2. **08-01789; SIPC v. BLMIS—Discovery Disputes with Chaitman LLP**

- A. Trustee's Request for Rule 7007 Conference re adoption and application of Judge Maas's arbitration rulings across all similarly situated adversary proceedings and compelling defendants to provide reasonable dates for all depositions.
 - Letter to Judge Bernstein requesting Rule 7007 Conference re adopting orders of Discovery Arbitrator filed by Edward John Jacobs on behalf of Irving H. Picard (Filed: 4/5/2017) [ECF No. 15667]
 - Letter to Judge Bernstein regarding various outstanding discovery issues in advance of the May 31, 2017 conference filed by Helen Davis Chaitman on behalf of Evelyn Berezin Wilenitz (Filed: 5/15/2017) [ECF No. 16006]
 - Trustee's Supplement to April 5, 2017 Letter filed by Edward John Jacobs on behalf of Irving H. Picard (Filed: 5/25/2017) [ECF No. 16079]

- Supplemental Letter in Advance of May 31, 2017 Hearing Filed by Edward John Jacobs on behalf of Irving H. Picard (Filed: 5/26/2017) [ECF No. 16082]
- B. Trustee's Request for Rule 7007 Conference re quashing of subpoenas on 10 former BLMIS traders across all Chaitman LLP cases.
- Letter to Judge Bernstein requesting Rule 7007 Conference re quashing of Rule 45 subpoenas filed by Edward John Jacobs on behalf of Irving H. Picard (Filed: 3/21/2017) [ECF No. 15393]
 - Letter to Judge Bernstein regarding various outstanding discovery issues in advance of the May 31, 2017 conference filed by Helen Davis Chaitman on behalf of Evelyn Berezin Wilenitz (Filed: 5/15/2017) [ECF No. 16006]
 - Supplemental Letter in Advance of May 31, 2017 Hearing Filed by Edward John Jacobs on behalf of Irving H. Picard (Filed: 5/26/2017) [ECF No. 16082]
- C. Chaitman LLP's Request for Rule 7007 Conference re single date for service of rebuttal expert reports in all Chaitman LLP cases in which fact discovery open as of July 7, 2016.
- Letter to Judge Bernstein requesting Rule 7007 Conference re single date for service of rebuttal expert reports in all Chaitman LLP cases in which fact discovery open as of July 7, 2016 filed by Helen Davis Chaitman on behalf of Evelyn Berezin Wilenitz (Filed 3/2/2017) [ECF No. 15104]
 - Letter to Judge Bernstein regarding Trustee's Opposition to Chaitman LLP's request for single service date for expert rebuttal reports filed by Edward John Jacobs on behalf of Irving H. Picard (Filed: March 8, 2017) [Adv. Pro. No. 10-04995, ECF No. 79]
 - Letter to Judge Bernstein regarding various outstanding discovery issues in advance of the May 31, 2017 conference filed by Helen Davis Chaitman on behalf of Evelyn Berezin Wilenitz (Filed: 5/15/2017) [ECF No. 16006]
 - Supplemental Letter in Advance of May 31, 2017 Hearing Filed by Edward John Jacobs on behalf of Irving H. Picard (Filed: 5/26/2017) [ECF No. 16082]

Status: Status conference

3. **10-04728; Picard. v. Bruno L. Di Giulian**

- A. Motion for Substitution of Defendant filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff with hearing to be held on 5/31/2017 (Filed: 5/10/2017) [ECF No. 65]
- B. Notice of Motion for Substitution of Defendant and Proposed Order filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff (Filed: 5/10/2017) [ECF No. 66]

Opposition Due: May 24, 2017

Opposition Filed:

- C. Defendant's Memorandum of Law in Opposition to Trustee's Motion for Substitution of Defendant and in Support of Cross-Motion to Dismiss Complaint filed by Helen Davis Chaitman on behalf of Bruno L. DiGiulian (Filed: 5/23/2017) [ECF No. 69]
- D. Motion to Dismiss Case For Failure to Timely File Required Documents Notice of Cross-Motion filed by Helen Davis Chaitman on behalf of Bruno L. DiGiulian (Filed: 5/23/2017) [ECF No. 70]
- E. Declaration of Helen Davis Chaitman filed by Helen Davis Chaitman on behalf of Bruno L. DiGiulian (Filed: 5/23/2017) [ECF No. 71]
- F. Declaration of Patsy DiGiulian filed by Helen Davis Chaitman on behalf of Bruno L. DiGiulian (Filed: 5/23/2017) [ECF No. 72]

Reply Filed:

- G. Reply in support of the Trustee's motion for substitution and in opposition to defendant's cross-motion to dismiss filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff (Filed: 5/25/2017) [ECF No. 74]
- H. Reply to motion letter to Hon. Stuart M. Bernstein, as reply brief on motion to dismiss the complaint (10-04728) filed by Helen Davis Chaitman on behalf of Bruno DiGiulian (Filed: 5/30/2017) [ECF No. 76]

Status: This matter is going forward.

4. **10-04898; Picard v. Helene Saren-Lawrence**

- A. Notice of Adjournment of Final Pretrial Conference from April 11, 2017 to May 31, 2017 filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff (Filed: 4/10/2017) [ECF No. 116]

Status: Final pre-trial conference

5. **10-04377; Picard v. Carol Nelson, individually and as a joint tenant, et al.**
10-04658; Picard v. Carol Nelson

- A. Notice of Adjournment of Final Pretrial Conference from April 11, 2017 to May 31, 2017 filed by Nicholas Cremona on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff (Filed: 4/10/2017) [10-04377; ECF No. 71] [10-04658; ECF No. 75]

Status: Final pre-trial conference

6. **10-04946; Picard v. Stephen R. Goldenberg**

- A. Notice of Pretrial Conference filed by Keith R. Murphy on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff (Filed: 5/25/2017) [ECF No. 53]

Status: Pre-trial conference

Dated: May 30, 2017
New York, New York

By: s/David J. Sheehan
BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Edward Jacobs
Email: ejacobs@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

